

Calendar No. 325

106TH CONGRESS }
1st Session }

SENATE

{ REPORT
106-191

REPORTS TO CONGRESS—PROVIDING FOR THE CONTINUATION OF A CLEAN AIR ACT REPORT

OCTOBER 14, 1999.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public
Works, submitted the following

REPORT

[to accompany S. 1731]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works having considered the same, reports an original bill (S. 1731), to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted, and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

The Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66), directed the Administration to submit a report to the Clerk of the House listing unnecessary statutory reporting requirements for Federal agencies. The reporting requirements listed by the Administration will sunset on December, 21, 1999, unless Congress takes action to retain the requirements. While the Environment and Public Works Committee is supportive of efforts to eliminate unnecessary reporting requirements, several of the reports due to be eliminated are useful to the Committee and should be continued.

One of the reports that should be continued is the Great Waters Report. The report is authorized under section 112(m)(5) of the Clean Air Act. In response to growing evidence that the deposition of harmful air pollutants contributes to the impairment of water bodies, Congress included section 112(m) in the Clean Air Act amendments of 1990. Section 112(m) establishes research, report-

ing and potential regulatory requirements related to atmospheric deposition of harmful air pollutants to the Great Waters. Great Waters are defined as the Great Lakes, Lake Champlain, Chesapeake Bay and water bodies included in the National Estuary Program and the National Estuarine Research Reserve System.

Section 112(m)(5) directs the Environmental Protection Agency, in cooperation with the National Oceanic and Atmospheric Administration (NOAA) to submit periodically a report to Congress on atmospheric deposition to the Great Waters. As of 1999, two Great Waters reports have been issued and a third report is expected in 2000. The first report assesses the adequacy of the programs conducted under section 112(m) and presents information about the health and environmental effects associated with pollutants of concern, relative atmospheric loadings, and the potential sources of these loadings. The first report also includes regulatory recommendations based on existing scientific information. The second report serves as an update to the first report, and can be used to assess the extent of progress as a result of recommendations from the first report and determine what gaps in information still exist.

The Great Waters report is a valuable tool for the Committee in addressing the causes and effects of atmospheric deposition. The report includes scientific information from peer-reviewed journals, government reports, and conference proceedings. In addition, EPA also incorporates findings from investigations that have been funded or conducted in connection with the Great Waters program or other regionally specific programs.

OBJECTIVE OF LEGISLATION

The bill continues to require the Administrator of the Environmental Protection Agency to submit the Great Waters Report to the Congress.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact of the reported bill. The reported bill will have no regulatory impact. This bill will not have any effect on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that this bill would impose no Federal intergovernmental unfunded mandates on State, local or tribal governments. All of its governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

LEGISLATIVE HISTORY

On September 29, 1999, the Committee on Environment and Public Works, in a business meeting, considered a draft bill to provide that certain environmental reports shall continue to be required to be submitted to the Congress. During consideration of the

bill, Senator Crapo proposed an amendment to add an additional report to the bill. The amendment was agreed to by voice vote. The committee voted, by voice vote, to favorably report the bill, as amended, and then agreed by unanimous consent to file it in the Senate as three separate, original bills. No rollcall votes occurred on the measure.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 13, 1999.

Hon. JOHN H. CHAFEE, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for a bill to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susanne S. Mehlman, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

A bill to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted, as ordered reported by the Senate Committee on Environment and Public Works on September 29, 1999

This bill would require the Environmental Protection Agency (EPA) to continue to provide a biennial report to the Congress that identifies and assesses the extent that air pollutants affect the Great Lakes, Chesapeake Bay, Lake Champlain, and the coastal waters. The requirement to prepare this report would otherwise expire on December 21, 1999. CBO estimates that enacting this bill would not impose significant costs on EPA, and that any such costs would be subject to the availability of appropriated funds. Based on information from EPA, we estimate production of this report costs about \$250,000 a year. Because enactment of this bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

This bill contains no intergovernmental mandates or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

The CBO staff contact for this estimate is Susanne S. Mehlman, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

TITLE 42—THE PUBLIC HEALTH AND WELFARE

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CHAPTER 85—AIR POLLUTION PREVENTION AND CONTROL

PART A—AIR QUALITY AND EMISSIONS LIMITATIONS

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Sec. 7412. Hazardous air pollutants.

* * * * *

(5) Report.

[Within] *Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), within 3 years of November 15, 1990, and biennially thereafter, the Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall submit to the Congress a report on the results of any monitoring, studies, and investigations conducted in pursuit of this subsection.* * * *

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